



Attorney's Docket No.: 00398-152001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Foss *et al.* Art Unit : 1647
Serial No. : 10/706,801 Examiner : Fozia M. Hamud
Filed : November 12, 2003
Title : INTERLEUKIN-7 MOLECULES WITH ALTERED BIOLOGICAL
PROPERTIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

I, Francine Foss, am a citizen of the United States of America, and I reside at 26 Oxbow Lane, Woodbridge, CT 06525. I hereby declare as follows.

1. I am a co-inventor of the subject matter now claimed in the patent application referenced above (herein, "the application").
2. I am also an author on vanderSpek *et al.* (*Cytokine* 17:227-233, 2002), together with Johanna C. vanderSpek, John A. Sutherland, Brian M. Gill, Gullu Gorgun, and John R. Murphy.
3. I understand that none of the other authors of vanderSpek *et al.* are inventors of the subject matter now claimed in the application.
4. vanderSpek *et al.* describes studies that the Examiner has found anticipate the compositions presently claimed in claims 1-2, 8-11, and 31 of the application. As vanderSpek *et al.* could not have been published until after those studies were performed, and as those studies represent a reduction to practice of compositions now claimed in the present application (specifically, of the claims just enumerated), I, working together with the co-authors of vanderSpek *et al.*, reduced the invention to practice before vanderSpek *et al.* was published.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 10, 2006

Date of Deposit

Signature

Joanne D. Boyle
Francine Foss Joanne D. Boyle

Typed or Printed Name of Person Signing Certificate

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/15/06
Date

Francine Foss
Francine Foss, MD

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